

SENATE BILL NO. 181—SENATORS RAWSON, RAGGIO, WIENER,
TOWNSEND, NEAL AND COFFIN

FEBRUARY 12, 1999

JOINT SPONSORS: ASSEMBLYMEN PERKINS, DINI AND GOLDWATER

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing practice of dentistry and dental hygiene. (BDR 54-125)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to professional occupations; requiring the board of dental examiners of Nevada to issue a limited license to practice dentistry or dental hygiene to certain persons employed by the University and Community College System of Nevada; revising provisions relating to restricted licenses to practice dentistry; revising the fees that must be charged by the board; expanding the disciplinary powers of the board; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 631 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. The board shall, without a clinical demonstration required by NRS***
4 ***631.240 or a practical examination required by NRS 631.300, issue a***
5 ***limited license to practice dentistry or dental hygiene to a person who:***
6 ***(a) Has a license to practice dentistry or dental hygiene issued***
7 ***pursuant to the laws of another state or the District of Columbia;***
8 ***(b) Is otherwise qualified for a license to practice dentistry or dental***
9 ***hygiene in this state;***
10 ***(c) Pays the required application fee; and***
11 ***(d) Has entered into a contract with the University and Community***
12 ***College System of Nevada to provide services full time as a dental intern,***

1 *dental resident or instructor of dentistry or dental hygiene at an*
2 *educational or outpatient clinic, hospital or other facility of the*
3 *University and Community College System of Nevada. As used in this*
4 *paragraph, "full time" means providing such services at least 8 hours per*
5 *day, 4 days per week, during an academic year.*

6 *2. The board shall not issue a limited license to a person:*

7 *(a) Whose license to practice dentistry or dental hygiene has been*
8 *revoked or suspended; or*

9 *(b) Who has been refused a license or is involved in a disciplinary*
10 *action concerning his license to practice dentistry or dental hygiene,*
11 *in this state, another state or territory of the United States or the District*
12 *of Columbia.*

13 *3. A person to whom a limited license is issued pursuant to*
14 *subsection 1:*

15 *(a) May practice dentistry or dental hygiene in this state only:*

16 *(1) At the educational or outpatient clinic, hospital or other facility*
17 *where he is employed; and*

18 *(2) In accordance with the contract required by paragraph (d) of*
19 *subsection 1; and*

20 *(b) Shall not, for the duration of the limited license, engage in the*
21 *private practice of dentistry or dental hygiene in this state or accept*
22 *compensation for the practice of dentistry or dental hygiene except such*
23 *compensation as may be paid to him by the University and Community*
24 *College System of Nevada for services provided as a dental intern, dental*
25 *resident or instructor of dentistry or dental hygiene.*

26 *4. A limited license expires 1 year after its date of issuance and may*
27 *be renewed on or before the date of its expiration. The holder of a limited*
28 *license may, upon compliance with the requirements set forth in*
29 *subsection 2 of NRS 631.330 and the completion of a review conducted*
30 *at the discretion of the board, be granted a renewal certificate that*
31 *authorizes the continuation of practice pursuant to the limited license for*
32 *1 year.*

33 *5. Within 7 days after the termination of his contract required by*
34 *paragraph (d) of subsection 1, the holder of a limited license shall notify*
35 *the board of the termination, in writing, and surrender the limited license*
36 *to the board.*

37 *6. The board may revoke a limited license at any time upon proof*
38 *satisfactory to the board that the holder of the license violated any*
39 *provision of this chapter or the regulations of the board.*

40 **Sec. 2.** NRS 631.240 is hereby amended to read as follows:

41 631.240 1. Any person desiring to obtain a license to practice
42 dentistry in this state, after having complied with the regulations of the
43 board to determine eligibility, must:

1 (a) Present to the board a certificate granted by the National Board of
2 Dental Examiners which contains a notation that he has passed the board's
3 examination with an average score of at least 75; and

4 (b) Be examined by the board on his practical knowledge of dentistry.

5 2. The board shall examine each applicant in writing on the contents
6 and interpretation of chapter 631 of NRS and the regulations of the board.

7 3. ~~[The]~~ *Except as otherwise provided in section 1 of this act, the*
8 examination *required by paragraph (b) of subsection 1* must include
9 clinical demonstrations of the applicant's skill in dentistry.

10 4. All persons who present the appropriate certificate and successfully
11 complete the examination must be registered as licensed dentists on the
12 board register, as provided in this chapter, and are entitled to receive a
13 certificate of registration, signed by the member of the board who is a
14 representative of the general public and those members of the board who
15 are dentists.

16 **Sec. 3.** NRS 631.275 is hereby amended to read as follows:

17 631.275 1. Except as otherwise provided in subsection 2, the board
18 shall, without examination, issue a restricted license to practice dentistry to
19 a person who:

20 (a) Has a valid license to practice dentistry issued pursuant to the laws
21 of another state or the District of Columbia;

22 (b) Has received a degree from a dental school or college accredited by
23 the American Dental Association Commission on Dental Accreditation, or
24 its successor organization; *and*

25 (c) ~~[Has at least 5 years of clinical experience obtained after receiving~~
26 ~~such a degree; and~~

27 ~~—(d)]~~ Has entered into a contract with a facility approved by the health
28 division of the department of human resources to provide publicly funded
29 dental services exclusively to persons of low income for the duration of the
30 restricted license.

31 2. The board shall not issue a restricted license to a person:

32 (a) Who has failed to pass the examination of the board;

33 (b) Who has been refused a license in this state, another state or territory
34 of the United States or the District of Columbia; or

35 (c) Whose license to practice dentistry has been revoked in this state,
36 another state or territory of the United States or the District of Columbia.

37 3. A person to whom a restricted license is issued pursuant to
38 subsection 1:

39 (a) May perform dental services only:

40 (1) Under the supervision of a dentist who is licensed to practice
41 dentistry in this state and appointed by the health division of the department
42 *of human resources* to supervise dental care that is provided in a facility
43 which has entered into a contract with the person to whom a restricted

1 license is issued and which is approved by the health division of the
2 department; and

3 (2) In accordance with the contract required pursuant to paragraph
4 ~~[(d)]~~ (c) of that subsection.

5 (b) Shall not, for the duration of the restricted license, engage in the
6 private practice of dentistry, which includes, without limitation, providing
7 dental services to a person who pays for the services.

8 4. A person who receives a restricted license must pass the examination
9 of the board within ~~1-year~~ 3 years after receiving his restricted license. If
10 the person fails to pass that examination, the board shall revoke the
11 restricted license.

12 5. The board may revoke a restricted license at any time.

13 **Sec. 4.** NRS 631.300 is hereby amended to read as follows:

14 631.300 1. Any person desiring to obtain a license to practice dental
15 hygiene, after having complied with the regulations of the board to
16 determine eligibility, must be examined by the board upon such subjects as
17 the board deems necessary, and , *except as otherwise provided in section 1*
18 *of this act, be* given a practical examination in dental hygiene, including,
19 but not limited to, the removal of deposits from, and the polishing of, the
20 exposed surface of the teeth.

21 2. The examination must be:

22 (a) Written, oral or a combination of both; and

23 (b) Practical, as in the opinion of the board is necessary to test the
24 qualifications of the applicant.

25 3. The board shall examine each applicant in writing on the contents
26 and interpretation of chapter 631 of NRS and the regulations of the board.

27 4. In lieu of the written examination which may be required by
28 subsection 2, the board shall recognize a certificate from the National
29 Board of Dental Examiners which contains a notation that the applicant has
30 passed the examination of the board with a score of at least 75.

31 **Sec. 5.** NRS 631.310 is hereby amended to read as follows:

32 631.310 1. ~~[(The)]~~ *Except as otherwise provided in section 1 of this*
33 *act, the* holder of a license or renewal certificate to practice dental hygiene
34 may practice dental hygiene in this state in the following places:

35 (a) In the office of any licensed dentist.

36 (b) In a clinic or in clinics in the public schools of this state as an
37 employee of the health division of the department of human resources.

38 (c) In a clinic or in clinics in a state institution as an employee of the
39 institution.

40 (d) In a clinic established by a hospital approved by the board as an
41 employee of the hospital where service is rendered only to patients of the
42 hospital, and upon the authorization of a member of the dental staff.

(e) In an accredited school of dental hygiene.

(f) In other places if specified in a regulation adopted by the board.

2. A dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the board.

3. Except as otherwise specifically authorized by a regulation adopted by the board, a dental hygienist shall not provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.

Sec. 6. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses must be renewed annually.

2. Except as otherwise provided in section 1 of this act:

(a) Each holder of a license to practice dentistry or dental hygiene must, upon:

~~1(a)~~ (1) Submission of the statement required pursuant to NRS 631.225;

~~1(b)~~ (2) Payment of the required fee; and

~~1(c)~~ (3) Submission of proof of completion of the required continuing education,

be granted a renewal certificate which will authorize continuation of the practice for 1 year.

~~12-1~~ (b) A licensee must comply with the provisions of **this subsection and** subsection 1 on or before June 30. Failure to comply with ~~the provisions of subsection 1~~ **those provisions** by June 30 of each year automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement ~~in addition to~~ **and compliance with** the requirements of **this** subsection . ~~11-1~~

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 7. NRS 631.335 is hereby amended to read as follows:

631.335 1. The license of a person who does not actively practice in this state for 1 year automatically reverts to inactive status at the time the license renewal fee is next payable. If a person whose license has reverted to inactive status:

(a) Continues to practice actively outside this state, his license may be reinstated to active status by the secretary-treasurer if he pays the ~~license fee for active licensees~~ **required reinstatement fee** and complies with the conditions prescribed by the regulations of the board.

(b) Does not continue to practice, his license may be reinstated to active status only upon the motion of the board, submission of the required **reinstatement** fee ~~for active licenses~~ and proof of continuing education, and compliance with the conditions prescribed by the regulations of the board.

2. A licensee who is disabled and cannot practice, or who is retired must be issued a license which reflects that status when the fee to renew his license is next payable. His license may be reinstated to active status only upon the motion of the board, submission of the required *reinstatement* fee ~~{for an active license}~~ and proof of continuing education, and compliance with the conditions prescribed by the regulations of the board.

Sec. 8. NRS 631.345 is hereby amended to read as follows:

631.345 1. The *board shall by regulation establish* fees ~~{which must be charged by the board}~~ for the performance of the duties imposed upon it by this chapter ~~{are as follows:}~~ *which must not exceed the following amounts:*

Examination fee for *a* license to practice dentistry ~~{ \$300 }~~ *\$750*

Examination fee for *a* license to practice dental hygiene 150

Application fee for a specialist license..... 125

Application fee for a limited or restricted license 125

Application and examination fee for *a* permit to administer general anesthesia , *conscious sedation* or *deep* sedation ~~{200}~~ *500*

Fee for any reinspection required by the board to maintain a permit to administer general anesthesia, conscious sedation or deep sedation 250

Annual renewal fee for *a* permit to administer general anesthesia , *conscious sedation* or *deep* sedation ~~{50}~~ *100*

Fee for the inspection of a facility required by the board to renew a permit to administer general anesthesia, conscious sedation or deep sedation 100

Annual license renewal fee for a general dentist or specialist ~~{, not to exceed}~~ 300

—Annual license renewal fee for a dental hygienist ~~{, not to exceed}~~ 150

Annual license renewal fee for a limited license 100

Annual license renewal fee for an inactive dentist 100

Annual license renewal fee for a retired or disabled dentist 25

Annual license renewal fee for an inactive dental hygienist 25

Annual license renewal fee for a retired or disabled dental hygienist 25

Reinstatement fee for a suspended license to practice dentistry or dental hygiene ~~{, not to exceed}~~ 200

Reinstatement fee for a revoked license to practice dentistry or dental hygiene 500

*Reinstatement fee to return an inactive, retired or
disabled dentist or dental hygienist to active status \$200
Fee for the certification of a license 50*

2. Except as otherwise provided in this subsection, the board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The board shall not charge a nonprofit organization or an agency of the state or of a political subdivision of the state a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 9. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.347 ~~§~~ *and section 1 of this act*, the board may:

- (a) Refuse to issue a license to any person;
 - (b) Revoke or suspend the license or renewal certificate issued by it to any person;
 - (c) Fine a person it has licensed;
 - (d) Place a person on probation for a specified period on any conditions the board may order;
 - (e) Issue a public reprimand to a person;
 - (f) Limit a person's practice to certain branches of dentistry;
 - (g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;
 - (h) Require that a person's practice be supervised;
 - (i) Require a person to perform public service without compensation;
 - (j) Require a person to take a physical or mental examination or an examination of his competence;
 - (k) Require a person to fulfill certain training or educational requirements; ~~or~~
 - (l) *Require a person to reimburse a patient; or*
 - (m) Any combination thereof,
- upon proof satisfactory to the board that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry or dental hygiene;
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the board or the provisions of this chapter.

- 1 3. The board may delegate to a hearing officer or panel its authority to
2 take any disciplinary action pursuant to this chapter, impose and collect
3 fines therefor and deposit the money therefrom in banks or savings and loan
4 associations in this state.
- 5 4. If a hearing officer or panel is not authorized to take disciplinary
6 action pursuant to subsection 3 and the board deposits the money collected
7 from the imposition of fines with the state treasurer for credit to the state
8 general fund, it may present a claim to the state board of examiners for
9 recommendation to the interim finance committee if money is needed to
10 pay attorney's fees or the costs of an investigation, or both.

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